

prevention grants, and \$30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided, That*”.

SA 3626. Mr. KENNEDY proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 15 days after the date of the enactment of this Act, the President shall submit a copy of the Scowcroft Commission report to Congress.

(b) The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term “Scowcroft Commission report” means the report on improving the capabilities of the United States intelligence community that was prepared by the presidential commission appointed pursuant to National Security Presidential Directive 5 (May 9, 2001) and chaired by General Brent Scowcroft and that was submitted to the President in or around December 2001.

SA 3627. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

MARITIME TRANSPORTATION SECURITY FUNDING

For the purposes described in section 70121(b) of title 46, United States Code, an amount equal to the amounts credited to the Maritime Transportation Security Fund under section 70121(c) of that title, but not in excess of \$500,000,000: *Provided that* chapter 701 of title 46, United States Code, is amended by adding at the end the following:

“§ 70120. Security service fees

“(a) GENERAL AUTHORITY.—

“(1) IN GENERAL.—For fiscal years 2005 through 2008, the Secretary of Homeland Security shall impose a maritime security user fee on entities that benefit directly from a secure system of international maritime transportation to assist in the payment of the costs of providing international maritime security services for shipments of cargo and to provide to shippers the benefit of a secure system of international maritime trade. The Secretary shall impose the fee for each unit of measure of cargo imported into or exported from the United States on a vessel when entering or leaving the United States as follows:

Cargo Group	Unit of Measure	Fee
Container (non-HAZMAT).	TEU	\$20.00
Container (HAZMAT).	TEU	\$50.00

“(2) INTERNATIONAL TRANSSHIPMENT SECURITY FEE.—The Secretary shall impose an international maritime transshipment security user fee for providing security services for shipments of cargo entering the United States as part of an international transportation movement by water through Canadian or Mexican ports at the same rates as the fee imposed under paragraph (1). The fee authorized by this paragraph shall not be assessed or collected on transshipments from—

“(A) Canada after the date on which the Secretary determines that an agreement between the United States and Canada has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Canada for transshipments between the countries; or

“(B) Mexico after the date on which the Secretary determines that an agreement between the United States and Mexico has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Mexico for transshipments between the countries.

“(b) IMPOSITION OF FEES.—

“(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary shall impose the fees under subsection (a) through the publication of notice of such fee in the Federal Register. A fee shall be imposed on each cargo shipment when imported into or exported from the United States on a vessel. No fee shall be assessed more than once per voyage.

“(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

“(3) SUBSEQUENT MODIFICATION OF FEES.—After imposing a fee under subsection (a), the Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both. The Secretary shall evaluate the fee annually to determine whether it is necessary and appropriate to pay the cost of activities and services, and shall adjust the amount of the fee accordingly.

“(c) ADMINISTRATION OF FEES.—

“(1) FEES PAYABLE TO SECRETARY.—All fees imposed and amounts collected under this section are payable to the Secretary.

“(2) INFORMATION.—The Secretary may require the provision of such information as the Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

“(e) REFUNDS.—The Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

“§ 70121. MARITIME TRANSPORTATION SECURITY FUND.

“(a) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Maritime Transportation Security Fund.

“(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary to pay or reimburse the costs of implementation and compliance with the requirements of this chapter, including—

“(1) the maritime transportation security grant program authorized by section 70107(a);

“(2) the national maritime transportation security plan under section 70103(a) and the area maritime transportation security plans under section 70103(b);

“(3) implementation of the automatic identification systems required by section 70114;

“(4) the costs of developing standards and curricula for the training and certification of maritime security professionals and providing training and certification courses; and

“(5) reimbursement of port authorities, waterfront facility operators, and State, local, and regional authorities for the costs of addressing extraordinary or high priority Coast Guard identified vulnerabilities in security and ensuring compliance with the national

maritime transportation security plan and applicable area maritime transportation security plans.

“(c) FUNDING.—For each of fiscal years 2005, 2006, 2007, and 2008 there shall be credited to the Fund the sum of the amounts collected from the user fees imposed by the secretary under section 70120(a), to the extent that such sum does not exceed \$500,000,000 per fiscal year.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Fund for each fiscal years 2005, 2006, 2007, and 2008 not more than \$500,000,000. Any amounts appropriated pursuant to this section shall remain available until expended.”: *Provided further*, that the chapter analysis for chapter 701 of title 46, United States Code, is amended by adding at the end the following:

“70120. Security service fees

“70121. Maritime transportation security fund”.

SA 3628. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 17, strike “\$2,845,081,000” and all that follows through line 22, and insert the following: “\$3,605,081,000, which shall be allocated as follows:

“(1) \$1,700,000,000 for formula-based grants, \$400,000,000 for law enforcement terrorism prevention grants, and \$30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided, That*”.

SA 3629. Mr. DAYTON proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after May 30, 2004 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 29, 2004, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on lobbying practices involving Indian tribes regarding allegation of misconduct associated with lobbying and related activities.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 21, 2004, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 784 and H.R. 1630, to revise the boundary of Petrified Forest National Park in the State of Arizona, and for other purposes; S. 2656, to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon; S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; and H.R. 2055, to amend P.L. 899-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364, Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, September 13, 2004, at 9:30 a.m., for a hearing titled "The Importance of Real-Time, Actionable Intelligence: Ensuring the U.S. Intelligence Community Supports Homeland Defense and Departmental Needs."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "A Review of the Tools to Fight Terrorism" on Monday, September 13, 2004, at 9:30 a.m., in Dirksen 226. The witness list will be sent later today.

Witness List

Panel I: Hon. Daniel J. Bryant, Assistant Attorney General, Department

of Justice, Washington, DC; and Barry Sabin, Esq., Chief, Counterterrorism Section of the Criminal Division, Department of Justice, Washington, DC.

Panel II: Professor Jonathan Turley, George Washington University Law School, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Lore Aguayo, a fellow in Senator TALENT's office, be granted the privileges of the floor during consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, appoints the following individual to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, for a term of two years (May 15, 2004-May 14, 2006).

EXECUTIVE SESSION

REMOVAL OF INJUNCTION OF SECRECY—2ND PROTOCOL AMENDING TAX CONVENTION WITH BARBADOS (TREATY DOC. 108-26)

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 13, 2004 by the President of the United States: 2nd protocol amending tax convention with Barbados (Treaty Doc. 108-26).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with the accompanying papers, to the Committee on Foreign Relations in order to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit the Second Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income Signed on December 31, 1984, signed at Washington on July 14, 2004. Also enclosed for the Senate's information is an exchange of notes with attached Understandings, which provide clarification

with respect to the application of the Convention, as amended, in specified cases. Also transmitted for information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol updates the existing Convention to bring it into close conformity with current U.S. tax treaty policy and to ensure that the Convention cannot be used inappropriately to secure tax reductions in circumstances where there is no risk of double taxation. The Protocol would modernize the Convention's anti-treaty-shopping provision. The Protocol also updates the Convention to take account of a 1996 change in the Internal Revenue Code relating to the tax treatment of certain former long-term residents of the United States. The exchange of notes with attached Understandings provides guidance to taxpayers and each government regarding the intended interpretation of certain provisions of the Convention, as amended.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 13, 2004.

ORDERS FOR TUESDAY, SEPTEMBER 14, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. tomorrow, Tuesday, September 14. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business with debate only for up to 60 minutes; that the first 30 minutes be under the control of the Democratic leader or his designee and the final 30 minutes be under the control of the majority leader or his designee; provided further that the Senate then resume consideration of Calendar No. 488, H.R. 4567, the Homeland Security appropriations bill.

I further ask unanimous consent that the Senate recess from 12:30 until 2:15 for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, tomorrow following morning business the Senate will resume consideration of the Homeland Security appropriations bill. It is imperative that we finish the Homeland Security bill prior to the observance of Rosh Hashanah on Wednesday. The chairman and ranking member will be here in the morning to